

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JERRY L. KENNEDY

PLAINTIFF

VS.

CIVIL ACTION NO: 5:13-cv-226-DCB-MTP

JEFFERSON COUNTY, et al.

DEFENDANTS

**ORDER FINDING CARNELL KITCHENS AND
CK CONSULTING SOLUTIONS IN CONTEMPT**

The Court held a hearing on its Order Adopting the Report and Recommendation and Order to Show Cause [docket entry no. 164] at 10:00 a.m. on November 12, 2014. Carnell Kitchens¹ did not appear.

Magistrate Judge Michael T. Parker had previously certified facts to this Court to support a finding of civil contempt under 28 U.S.C. Section 636(e) (6) (B) (iii). The certified facts are:

- (1) Defendants served Kitchens and CK Consulting Solutions ("CKCS") with a subpoena directing them to produce documents relevant to a civil action.
- (2) Kitchens nor CKCS complied with the subpoena.
- (3) Defendants filed a Motion to Enforce Subpoena on July 11, 2014.
- (4) On August 12, the Court ordered Kitchens and CKCS to show cause as to why they should not be held in contempt of court for failing to comply with the subpoena, providing Kitchens with an August 26 deadline. Kitchens was warned that a failure to respond or to produce the records requested in the subpoena could result in being held in contempt or

¹ Carnell Kitchens is the registered agent for CK Consulting Solutions. Although the orders reflect the distinction between the two persons, it was largely subsumed in the discussion during the hearing.

- civil sanctions.
- (5) Kitchens sent a letter to the Court, dated August 19, asserting only the circumstances surrounding his relationship with the Defendants and providing no good cause. Kitchens failed to produce any records.
 - (6) On September 2, the Court issued an Order to Appear, instructing Kitchens and CKCS to personally appear before the Court on September 30, 2014, and to provide any and all information relevant to his failure to comply with the subpoena and order.
 - (7) Neither Kitchens nor CKCS appeared at the September 30th hearing. Furthermore, neither Kitchens has not responded in any way to the Court's Order.

Judge Parker recommended a contempt proceeding be held before the district court. Neither Kitchens nor CKCS objected to the Report and Recommendation, and the Court adopted it in whole. Following Judge Parker's recommendation, the Court held a hearing on November 12, and Kitchens and CKCS failed to appear. By refusing to appear, Kitchens and CKCS waived their right to offer argument or otherwise participate in the hearing.

At the conclusion of the hearing, the Court found that Kitchens and CKCS had failed to appear at the hearing to show cause why they should not be held in contempt for violating Judge Parker's orders. Because neither Kitchens nor CKCS showed good cause to the Court, they are in contempt and sanctions shall issue.

IT IS ORDERED that Carnell Kitchens and CK Consulting Solutions are found in contempt of this Court.

FURTHER ORDERED that an order for a bench warrant for the arrest of Carnell Kitchens shall issue to ensure his appearance at a rescheduled hearing.

FURTHER ORDERED that costs will be awarded to the parties upon receipt of a bill of costs.

SO ORDERED this the 13th day of November 2014.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE